

रजिस्ट्रार नं० पी० ४६१



राजपत्र, हिमाचल प्रदेश

(अमाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, ६ फरवरी, १९७०/१७ मार्च, १९६१

GOVERNMENT OF HIMACHAL PRADESH

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 15th January, 1970

No. 6-1/69-LR.—The Himachal Pradesh Copying Fees Bill, 1969 (Bill No. 28 of 1969) after having received the assent of the President on the 4th December, 1969, under sub-section (2) of section 25 of the Government of Union Territories Act, 1963 (Act No. 20 of 1963) is hereby published in the Rajpatra, Himachal Pradesh as Act No. 27 of 1969.

JOSEPH DINA NATH,
Under Secretary (Judicial).

THE HIMACHAL PRADESH COPYING FEES ACT, 1969

(ACT NO. 27 OF 1969)

AN

ACT

to facilitate the recovery of fees payable for copies made or supplied of records kept in offices under the control of Revenue, Judicial and other officers of Government in Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twentieth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Himachal Pradesh Copying Fees Act, 1969.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

Definition.

2. In this Act "record" includes any portion of a record and any document, plan, map or other paper attached thereto or forming part of the record of any suit or appeal, enquiry or trial or other proceeding in any court or office.

Mode of
recovery of
fees.

3. When any copy of any record has been made at the request of any applicant or his agent and such applicant or his agent has refused to accept delivery of the same or when any copy has been supplied to any such applicant or his agent, and the fee or any portion of the fee leviable for the supply of such copy remains unpaid, the said fee or portion thereof may be recovered from the applicant as if it were an arrear of land revenue:

Provided that a pleader presenting such an application on behalf of a client will not be held personally responsible where the application bears the signature or thumb-impression of such client.

Repeal and
savings.

4. The Punjab Copying Fees Act, 1936 as applied to Himachal Pradesh by the Himachal Pradesh (Application of Laws) Order, 1948 and as applied to Bilaspur by the Bilaspur (Application of Laws) Order, 1949 and the Punjab Copying Fees Act, 1936 in its application to the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 are hereby repealed:

5 of 1936

31 of 1956

Provided that anything done or any action taken in exercise of the powers conferred by or under the provisions of the Act so repealed shall to the extent of its being consistent with the provisions of this Act be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act was in force on the day on which such thing was done or action taken.

LAW DEPARTMENT NOTIFICATION

Simla-2, the 15th January, 1970

No. 6-2/69-LR.—The Himachal Pradesh Instruments (Control of Noises) Bill, 1969 (Bill No. 3 of 1969) after having received the assent of the President on the 9th December, 1969, under sub-section (2) of section 25 of the Government of Union Territories Act, 1963 (Act No. 20 of 1963) is hereby published in the Rajpatra, Himachal Pradesh as Act No. 28 of 1969.

JOSEPH DINA NATH,
Under Secretary (Judicial).

THE HIMACHAL PRADESH INSTRUMENTS (CONTROL OF NOISES) ACT, 1969

(ACT NO. 28 OF 1969)

AN

ACT

to control the use and play of instruments such as loud-speakers, microphones, amplifiers etc.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Instruments (Control of Noises) Act, 1969.

Short title,
extent and
commence-
ment.

(2) It shall extend to the whole of Himachal Pradesh.

(3) It shall come into force in such areas and on such date as the Government may, by notification in the Official Gazette, direct.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "District Magistrate" means a District Magistrate appointed under section 10 of the Code of Criminal Procedure, 1898;

(b) "Government" means the Government of Himachal Pradesh;

(c) "Instrument" means a loud-speaker, an amplifier and such other apparatus for the play of sounds as may be declared to be an instrument under this Act by the Government;

(d) "Notification" means notification published under proper authority, in the Official Gazette;

(e) "Official Gazette" means Rajpatra, Himachal Pradesh.

3. No person shall use or operate any instrument in or upon any premises at such pitch or volume as to be audible beyond the precincts thereof except under the written permission of the District Magistrate or any officer authorised by him, in this behalf and under such conditions as may be attached to it.

Restriction
on the use
of instru-
ments.

4. No person shall use or operate any instrument between ten o'clock in the night and six o'clock in the morning except with the written permission of the District Magistrate or any officer authorised by him in this behalf and under such conditions as may be attached to it.

Limitation
on the use
of instru-
ments.

5. No permission under section 3 or section 4 shall be given unless the application for permission bears a court-fee stamp of the value calculated at the rate of five rupees for every day or part thereof in respect of which the permission is sought:

Fee.

Provided that where the permission is either refused or given for a period which is less than the one applied for, the amount of fee shall be refunded wholly or proportionately as the case may be.

Penalty.

6. Whoever contravenes the provisions of the Act shall be liable to be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

Offences to be cognizable.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Act shall be cognizable.

Repeal and savings.

8. The Punjab Instruments (Control of Noises) Act, 1956, as in force, in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, is hereby repealed:

Provided that anything done or any action taken (including any notification issued, permission granted or proceedings commenced or continued) under the provisions of the said Act, shall be deemed to have been done or taken, under the corresponding provision of this Act.

36 of 1956

5 of 1898

13 of 1966

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 15th January, 1970

No. 6-50/68-LR.—The Himachal Pradesh Bricks (Control) Bill, 1969 (Bill No. 2 of 1969) after having received the assent of the President on the 14th December, 1969, under sub-section (2) of section 25 of the Government of Union Territories Act, 1963 (Act No. 20 of 1963) is hereby published in the Rajpatra Himachal Pradesh as Act No. 29 of 1969.

JOSEPH DINA NATH,
Under Secretary (Judicial).

THE HIMACHAL PRADESH BRICKS (CONTROL) ACT, 1969

(ACT No. 29 OF 1969)

AN
ACT

to regulate the manufacture, storage, distribution, transport, acquisition and disposal of bricks in the Union territory of Himachal Pradesh, and for matters connected therewith.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Bricks (Control) Act, 1969.

Short title
and extent.

(2) It extends to the whole of the Union territory of Himachal Pradesh.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “brick” means any piece of burnt clay fired in kiln and having a geometrical shape;

(b) “dealer” means any person who is engaged in the business of buying or selling, or otherwise dealing in, bricks, and includes his representative or agent;

(c) “Government” means the Administrator of the Union territory of Himachal Pradesh;

(d) “kiln” means a structure used for burning bricks;

(e) “Official Gazette” means the Rajpatra, Himachal Pradesh.

3. If the Government is of opinion that it is necessary or expedient so to do for maintaining or increasing the supply of bricks or for securing their equitable distribution and availability at fair prices, it may, by order notified in the Official Gazette, provide—

Powers to
control
manufac-
ture, stor-
age, distri-
bution etc.
of bricks.

(a) for regulating by licences, permits or otherwise the manufacture, storage, distribution, transport, acquisition or disposal of bricks;

(b) for collecting any information or statistics with a view to the regulating of the aforesaid matters;

(c) for the grant or issue of licences, permits or other documents and the charging of fees therefor;

(d) for controlling the prices at which bricks may be bought or sold;

(e) for requiring dealers or kiln owners to maintain and produce for inspection such accounts and records regarding bricks and to furnish such information relating thereto, as may be specified in the order;

(f) for any incidental and supplementary matters including in particular the entering and search of premises and vehicles and the seizure by a person authorised to make such search of the bricks in respect of which such person has reason to believe that contravention of any order made under this Act has been, is being, or is about to be, committed.

4. The Government may, by order notified in the Official Gazette, direct that the power to make orders under section 3 shall, in relation to such matters and subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer, or authority subordinate to the Government as may be specified in the order.

Delegation
of powers.

Effect of orders inconsistent with other enactments.

5. Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

Provisions of sections 102 and 103 of the Code of Criminal Procedure to apply to search and seizure.

6. The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 relating to search and seizure shall, so far as may be, apply in relation to every search made in pursuance of any order made under this Act and to every seizure made in the course of such search.

5 of 1898

Penalties.

7. If any person contravenes any order made under section 3,—

- (a) he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both;
- (b) any property in respect of which the order has been contravened or such part thereof as the court may deem fit shall be forfeited to the Government:

Provided that if the court is of opinion that it is not necessary to direct forfeiture in respect of the whole or as the case may be, any part of the property, it may, for reasons to be recorded, refrain from doing so.

Attempts and abetments.

8. Any person who attempts to contravene, or abets a contravention of, any order made under section 3 shall be deemed to have contravened that order.

False statements.

9. If any person,—

- (i) when required by any order made under section 3 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or

- (ii) makes any such statement as aforesaid in any book, accounts, record, declaration, return or other documents which he is required by any such order to maintain or furnish,

he shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

Offences by companies.

10. (1) If the person contravening an order made under section 3 is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary

or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation:—*For the purposes of this section—

(a) "company" means any body corporate and includes a firm or other association of individuals;

(b) "director" in relation to a firm means a partner in the firm.

5 of 1898

11. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, every offence punishable under this Act shall be cognizable.

Cognizance of offences.

5 of 1898

12. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any Magistrate or Bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the said Code may, on application in this behalf made by the prosecution, try in accordance with the provisions contained in sections 262 to 265 of the said Code any offence punishable under this Act.

Power to try offences summarily.

1 of 1872

13. Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a court shall presume that such order was made by that authority within the meaning of the Indian Evidence Act, 1872.

Presumption as to orders.

14. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

Protection of action taken under this Act.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

1 of 1949

15. (1) The East Punjab Control of Bricks Supplies Act, 1949, as in force in the territories transferred to the Union territory of Himachal Pradesh by sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966, is hereby repealed.

Repeal and savings.

31 of 1966

(2) Notwithstanding such repeal, any order made under the Act hereby repealed and in force immediately before the commencement of this Act shall be deemed to have been made under this Act and shall, in so far as it is not inconsistent with the provisions of this Act, continue in force and accordingly any appointment made, licence or permit granted or direction issued under any such order and in force immediately before such commencement shall continue in force until and unless it is superseded by any appointment made, licence or permit granted or direction issued under this Act.

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 15th January, 1970

No. 6-10/69-LR.—The Suits Valuation (Himachal Pradesh Amendment) Bill, 1969 (Bill No. 12 of 1969) after having received the assent of the President on the 23rd December, 1969, under sub-section (2) of section 25 of the Government of Union Territories Act, 1963 (Act No. 20 of 1963) is hereby published in the Rajpatra, Himachal Pradesh as Act No. 30 of 1969.

JOSEPH DINA NATH,
Under Secretary (Judicial).

THE SUITS VALUATION (HIMACHAL PRADESH AMENDMENT) ACT, 1969

(ACT No. 30 OF 1969)

AN

ACT

to amend the Suits Valuation Act, 1887, in its application to the Union territory of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twentieth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Suits Valuation (Himachal Pradesh Amendment) Act, 1969.

(2) It extends to the whole of Himachal Pradesh.

Amendment
of sections
3, 8 and 9.

2. In sub-section (1) of section 3, and sections 8 and 9 of the Suits Valuation Act, 1887, in its application to Himachal Pradesh (hereinafter referred to as the principal Act), for the expression "the Court-fees Act, 1870", wherever it occurs, the expression "the Himachal Pradesh Court Fees Act, 1968" shall be substituted.

Central Act
No. 7 of
1887.

Amendment
of section 4.

3. In section 4 of the principal Act, for the expression "the Court-fees Act, 1870, section 7, paragraph (iv), or Schedule II, article 17", the expression "the Himachal Pradesh Court Fees Act, 1968, section 7, paragraph (iv), or Schedule II, article 13 or 18" shall be substituted.

Addition of
a proviso
to section
11 (1).

4. To sub-section (1) of section 11 of the principal Act, the following proviso shall be added, namely:—

"provided that in a suit for accounts, the value for the purposes of jurisdiction as determined by the court at any stage of the trial shall be final and conclusive and shall not be liable to be contested in appeal or revision."

Repeal and
savings.

5. The Suits Valuation (Punjab Amendment) Act, 1938 and the Suits Valuation (Punjab Amendment) Act, 1942 as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, are hereby repealed:

1 of 1938

13 of 1942

31 of 1966

Provided that anything done or any action taken thereunder shall be deemed to have been done or taken under this Act.

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 15th January, 1970

No. 6-11/69-LR.—The Provincial Insolvency (Himachal Pradesh Amendment) Bill, 1969 (Bill No. 11 of 1969) having received the assent of the President on the 24th December, 1969, under sub-section (2) of section 25 of the Government of Union Territories Act, 1963 (Act No. 20 of 1963) is hereby published in the Rajpatra, Himachal Pradesh, as Act No. 31 of 1969.

JOSEPH DINA NATH,
Under Secretary (Judicial).

THE TWENTIETH YEAR
**THE PROVINCIAL INSOLVENCY
 (HIMACHAL PRADESH AMENDMENT) ACT, 1969**

to amend the Provincial Insolvency Act, 1920 (Central Act No. 5 of 1920), in its application to the Union territory of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twentieth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Provincial Insolvency (Himachal Pradesh Amendment) Act, 1969.

(2) It extends to the whole of Himachal Pradesh.

Amend-
ment of
section 60
of Central
Act, 5 of
1920.

2. After sub-section (2) of section 60 of the Provincial Insolvency Act, 1920, the following new sub-section shall be added:—

“(3) In particular, and without prejudice to the generality of sub-section (2), when the whole or any part of the estate of an insolvent consists of land as defined in the Punjab Tenancy Act, 1887, or the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1954, as the case may be, no such land shall be temporarily alienated by the receiver; but after the other property of the insolvent has been realised, the court shall proceed in the manner provided in sub-section (1), and the Collector shall thereupon proceed to raise the amount required by means of a temporary alienation in such form and for such period as may be legally permissible and as he thinks fit; and shall hold at the disposal of the court all sums which may thereby come to his hands:

Central Act
No. 5 of
1920.

16 of 1887

15 of 1954

Provided that such portion of the land shall be exempted from alienation as in the opinion of the Collector, having regard to the income of the judgment-debtor from all sources except such income as is dependent on the will of another person, is sufficient to provide for the maintenance of the insolvent and the members of his family who are dependent on him, and such portion shall be deemed not to form part of the estate under administration.”

Repeal and
savings.

3. The Provincial Insolvency (Punjab Amendment) Act, 1939, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, is hereby repealed:

3 of 1939

31 of 1966

Provided that anything done or any action taken under the said Act shall be deemed to have been done or taken under this Act.

